

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION,  
STATE OF NEW YORK, STATE OF  
CONNECTICUT, COMMONWEALTH OF  
PENNSYLVANIA, STATE OF DELAWARE,  
STATE OF MAINE, STATE OF MARYLAND,  
COMMONWEALTH OF MASSACHUSETTS,  
STATE OF MICHIGAN, STATE OF  
MINNESOTA, STATE OF NEVADA, STATE  
OF NEW HAMPSHIRE, STATE OF NEW  
JERSEY, STATE OF NEW MEXICO, STATE  
OF OKLAHOMA, STATE OF OREGON,  
STATE OF RHODE ISLAND, and STATE OF  
WISCONSIN,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

Case No. 2:23-cv-01495-JHC

**DEFENDANT’S UNOPPOSED  
MOTION TO SEAL EXHIBIT B TO  
THE DECLARATION OF CAROL J.  
PRUSKI**

NOTE ON MOTION CALENDAR:  
October 27, 2023

**I. INTRODUCTION & BACKGROUND**

Pursuant to Local Civil Rule 5(g), Defendant Amazon.com, Inc. (“Amazon”) respectfully requests that the Court seal Exhibit B to the Declaration of Carol J. Pruski (“Pruski Decl.”), filed in support of Amazon’s Unopposed Motion to Seal Commercially Sensitive Information

1 Contained in the Complaint (“Motion to Seal”). Exhibit B is a partially unredacted version of the  
 2 Complaint that is currently temporary seal, with highlighting to show Amazon’s proposed  
 3 redactions. As such, publicly filing it on the docket would therefore reveal what Amazon  
 4 contemporaneously moves the Court to seal. On October 27, 2023, counsel for Plaintiffs,  
 5 including Daniel Schwartz, Danielle Quinn, Lily Rudy, Daniel Principato, and Tim Smith—and  
 6 counsel for Amazon—Kevin Hodges and Carol J. Pruski—conferred via email regarding the need  
 7 to file Exhibit B under seal. Plaintiffs do not oppose Amazon’s Motion.

## 8 **II. ARGUMENT & AUTHORITY**

9 As outlined in Amazon’s Motion to Seal, Courts have long recognized that “business  
 10 information that might harm a litigant’s competitive standing” should be sealed. *Nixon v. Warner*  
 11 *Commc’ns, Inc.*, 435 U.S. 589, 598 (1978). While “[t]here is a strong presumption of public access  
 12 to the court’s files,” LCR 5(g), that presumption may be overcome when a party presents  
 13 compelling reasons for maintaining confidentiality that outweighs the public’s interest in  
 14 disclosure. *Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1176 (9th Cir. 2006). Publicly  
 15 disclosing the information contained in Exhibit B—namely, the material Amazon seeks to  
 16 permanently seal in Plaintiffs’ Complaint—would force Amazon to disclose highly confidential  
 17 and competitively sensitive information which could cause significant harm to Amazon, as its  
 18 competitors would gain access to Amazon’s proprietary internal processes and its confidential  
 19 business metrics. *See* Motion to Seal, Section III.B; LCR 5(g)(3).

## 20 **III. CONCLUSION**

21 For the foregoing reasons, Amazon respectfully requests that Exhibit B to the Pruski  
 22 Declaration be permanently sealed.

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1 DATED this 27th day of October, 2023.

2  
3 *I certify that this memorandum contains 306*  
4 *words, in compliance with the Local Civil Rules.*

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